

VZCZCXRO8972
OO RUEHDBU
DE RUEHEK #1732/01 3411233
ZNY CCCCC ZZH
O 071233Z DEC 06
FM AMEMBASSY BISHKEK
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8676
INFO RUCNCIS/CIS COLLECTIVE IMMEDIATE
RUEHBJ/AMEMBASSY BEIJING IMMEDIATE 1836
RUEHDBU/AMEMBASSY DUSHANBE IMMEDIATE 1409
RHEFDIA/DIA WASHDC IMMEDIATE
RUEKJCS/OSD WASHDC IMMEDIATE
RUEAIIA/CIA WASHDC IMMEDIATE
RHEHNSC/NSC WASHDC IMMEDIATE
RUEKJCS/SECDEF WASHDC IMMEDIATE
RUEKJCS/JOINT STAFF WASHDC IMMEDIATE
RUEHGV/USMISSION GENEVA IMMEDIATE 0394
RUEHVEN/USMISSION USOSCE IMMEDIATE 2248
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 1633
RUEHNO/USMISSION USNATO BRUSSELS BE IMMEDIATE
RUEHBS/USEU BRUSSELS IMMEDIATE
RUEHLMC/MILLENNIUM CHALLENGE CORP IMMEDIATE
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 BISHKEK 001732

SIPDIS

SENSITIVE
SIPDIS

DEPT FOR SCA/CEN

E.O. 12958: DECL: 12/07/2016

TAGS: [PGOV](#) [PREL](#) [KG](#)

SUBJECT: AIRBASE DIP NOTE

BISHKEK 00001732 001.2 OF 002

Classified By: Amb. Marie L. Yovanovitch, Reason 1.4 (b) and (d).

11. (U) This is an action request. See para 4 below.

12. (C) On December 7, the Embassy received a diplomatic note from the Ministry of Foreign Affairs regarding the shooting death of a Kyrgyz citizen at Manas Air Base. The note "demands" that the U.S. revoke the diplomatic immunity of the U.S. Airman who shot the Krygyz citizen, and "insists" that the Airman remain in Krygyzstan to allow for a full investigation. Finally, it notes that Kyrgyzstan retains the right to seek full compensation from the U.S. for the incident. Informal Embassy translation is at para 5 below

13. (C) With respect to the request to revoke diplomatic immunity, Embassy notes that Article 32 of the Vienna Convention specifically grants this right to the discretion of the sending party. In addition, the December 5, 2001 U.S.-Kyrgyz agreement on Manas Air Base accords diplomatic immunity to all military and civilian personnel of DOD and specifically grants the U.S. side criminal jurisdiction for all such personnel. With respect to the request to keep the Airman in Kyrgyzstan, the Embassy notes that at present the Airman remains on base, but has been removed from duty. OSI anticipates that it will complete most aspects of the Kyrgyz portion of its investigation in approximately three weeks. Given GOKG concern over the speed at which Major Metzger was returned to the U.S., the Embassy would recommend retaining the Airman on base until the joint investigation has completed their part of the investigation, at which time a decision could be made regarding his return to the U.S.

14. (C) Action Request: That the Department provide guidance on how to respond to the diplomatic note.

15. (LOU) Begin informal Embassy translation of the diplomatic note:

Ministry of Foreign Affairs of the Kyrgyz Republic presents its compliments to the Embassy of the United States of America in the Kyrgyz Republic and has the honor to note the following:

On December 6, 2006 approximately at 3:00 pm U.S. serviceman Zachary Hatfield shot Ivanov Alexander Stepanovich to death at the Manas airport vehicle inspection point.

The Ministry, in accordance with Article 32 of Vienna Convention on Diplomatic Relations of April 18, 1961 and Agreement between the Government of the Kyrgyz Republic and the United States Government on status of military and civilian personnel of the U.S. Department of Defense in the Kyrgyz Republic dated December 5, 2001 demands that the United States Government revoke immunity for the U.S. serviceman Zachary Hatfield who shot the Kyrgyz citizen dead.

The Ministry insists that the U.S. side not allow the departure of U.S. serviceman Zachary Hatfield outside the Kyrgyz Republic for the purposes of objective and comprehensive investigation of this tragic incident.

The Kyrgyz side with regard to this tragic incident retains the right to claim appropriate compensation from the U.S. side to the full extent.

The Ministry of Foreign Affairs of the Kyrgyz Republic avails itself of this opportunity to renew to the Embassy of the United States of America in the Kyrgyz Republic the assurances of its highest consideration.

Bishkek, December 7, 2006

End informal Embassy translation.

BISHKEK 00001732 002.2 OF 002

YOVANOVITCH